

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**TUESDAY, AUGUST 25, 2015 – 7:00 P.M.**

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Riddick, Mr. Smigiel, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Protogyrou and Dr. Whibley from today's meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

## **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, for an amendment to the future land use designation in the **General Plan**, *plaNorfolk2030*, from Office to Commercial and for a change of zoning from BC-1 (Business and Commerce Park) District to C-3 (Retail Center) District on property located at **6000 Northampton Boulevard**.

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **6000 Northampton Boulevard** from BC-1 (Business and Commerce Park) District to C-3 (Retail Center Commercial) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-1A

An Ordinance entitled, “An Ordinance to amend the City’s General Plan, *planNorfolk2030*, SO AS TO change the land use designation for property located at **6000 Northampton Boulevard** from Office to Commercial” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **L.S. Birsch Construction Co., Inc.**, for a change of zoning from R-6 (Single-Family) District to Conditional R-8 (Single-Family) District on property located at **436-442 Glenrock Road**.

Landon Birsch, applicant, 2815 Bay Oaks Place, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to rezone properties located at **436 to 442 Glenrock Road** from R-6 (Single-Family Residential) District to Conditional R-8 (Single-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Portside Improvements, LLC**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District on property located at **3401-3405 Lens Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance to rezone properties located at **3401 to 3405 Lens Avenue** from R-8 (Single-Family Residential) District to Conditional R-9 (Single-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

### **CONSENT AGENDA**

C-1

Letter from the City Manager advising, in accordance with **Chapter 33.1-40** of the **Norfolk City Code**, of the emergency/sole source procurement to reconstruct the **Selden Arcade** following the explosion during the month of July 2015 for the **Department of Public Works**.

**ACTION:** Received and filed.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

C-2

Letter from the City Clerk attaching a summary of the meeting of the **Norfolk Electoral Board** held on **July 22, 2015** to determine the expiration dates of **three (3) School Board members** in conjunction with the transition to an elected **School Board**.

**ACTION:** Received and filed.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a **Convenience Store, 24-Hours** (with fuel sales) known as ‘**Wal-Mart**’ and ‘**Sam’s Club**’ on property located at **7530 Tidewater Drive,**” was introduced in writing and read by its title.

**ACTION:** Continued generally.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**Flights Tasting Room**’ on property located at **824 West 21<sup>st</sup> Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Used Merchandise Sales** establishment named ‘**Grandma Bear’s** on property located at **1529 International Boulevard, Suite 104,**” was introduced in writing and read by its title.

Carolyn Boggs and William Boggs, applicants, 2533 Wingfield Road, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Exception Ale**’ on property located at **2000 Colonial Avenue, Suite 6**,” was introduced in writing and read by its title.

Greg Hartman, applicant, 2000 Colonial Avenue, Suite 6, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Tinto Wine & Cheese, Etc.**’ on property located at **999 Waterside Drive, Suite 113**,” was introduced in writing and read by its title.

Crystal Stump, applicant, 1807 S. Church Street, Smithfield, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**AJ Gator’s Sports Bar and Grill**’ on property located at **435 Monticello Avenue, Unit 1**,” was introduced in writing and read by its title.

Al Zuhars, applicant, 435 Monticello Avenue, Unit 1, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-6A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**AJ Gator’s Sports Bar and Grill**’ on property located at **435 Monticello Avenue, Unit 1,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**Arabian Knights**’ on property located at **9651 1<sup>st</sup> View Street, Suite D,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘**319 Bacon**’ on property located at **319 Granby Street,**” was introduced in writing and read by its title.

Daniel Nin, applicant, 319 Granby Street, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as **‘Jack Brown’s Beer and Burger Joint’** on property located at **131 Granby Street, Suite A,**” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Frain.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Work Release, LLC**, authorizing the operation of an entertainment establishment, **‘Work Release’** on property located at **759 Granby Street,**” was introduced in writing and read by its title.

Arthur Rutter, applicant, 759 Granby Street and Robyn Thomas, 913 W. 21<sup>st</sup> Street, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Frain.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant in the amount of \$1,170,308 from the **Virginia Department of Criminal Justice Services** for the **Norfolk Criminal Justice Services Agency**, appropriating and authorizing the expenditure of the grant funds in the amount of \$1,170,308, authorizing the expenditure of \$158,932 in local funding for the **NCJS Agency** and authorizing the employment of **twenty (20) persons** for the Agency and providing funds for their salaries and benefits,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Frain.



No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **National Fish and Wildlife Foundation Grant** in the amount of \$4,640,000 for the development of a **Green Infrastructure Plan and Network for Lafayette River** and appropriating and authorizing the expenditure of the \$4,640,000 grant for the **Green Infrastructure Plan and Network Development,**” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, and Joe Cook, 1147 Surry Crescent, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Charles R. Weil** and **Leigh S. McCue-Weil** to encroach into **Willoughby Bay Avenue** at **9605 6<sup>th</sup> View Street**, with a pier, timber and rip rap bulkhead, and a flagpole,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Little Dog Diner** to encroach into the right-of-way at **1917 Colley Avenue** with a 3’x3.5’ area size **Eco-Dog Solar Powered Bio-Filtered Rain Catchment Dog Watering Station,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Encroachment Agreement** with **759 Granby, LLC**, dba **Work/Release**, for outdoor dining at the corner of **Granby Street** and **Olney Road**,” was introduced in writing and read by its title.

Arthur Rutter, 759 Granby Street and Robyn Thomas, 913 W. 21<sup>st</sup> Street, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting permission to **Muddy Paws** to encroach into the right-of-way of **37<sup>th</sup> Street** at **3700 Hampton Boulevard** and **37<sup>th</sup> Street** and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Encroachment Agreement** with **T-Mobile Northeast LLC** for property at **324 Madison Mews**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating Two Hundred Forty Thousand Dollars (\$240,000.00) from the **U.S. Marshal Service Special Revenue Account**, if and when received, and authorizing the expenditure thereof at the direction of the Sheriff to pay for various employee benefits, equipment purchases and maintenance costs related to programs designed to improve the efficiency of the jail,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of receipts from a **Special Revenue Project**, the **Sheriff’s Community Corrections Program**, appropriating Six Hundred Seventy Five Thousand Dollars (\$675,000.00) for Fiscal Year 2016, authorizing the expenditure thereof by the Sheriff, authorizing the Sheriff’s continued employment of **twelve (12) persons** for the Program and providing funds for their salaries and benefits,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating Thirty Five Thousand Dollars (\$35,000.00) and authorizing the expenditure thereof by the Sheriff, if and when received from the **Deputy Fund Service Special Revenue Account**, to pay for holding functions for his employees, extending condolences and congratulations to his employees and similar incentive-related benefits for his employees,” was introduced in writing and read by its title.

Joe Cook, 1147 Surry Crescent, spoke in opposition to this matter and asked for the last audit on the Sheriff’s special revenue account.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating One Hundred Seventy Five Thousand Four Hundred Sixty Three Dollars (\$175,463) if and when received from the **Sheriff** and authorizing the expenditure thereof towards salaries and benefits for **three Sheriff Employees**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-22

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Section 38-106** of the **Norfolk City Code, 1979, SO AS TO** limit the frequency of periodic yard or garage sales,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

R-23

Letter from the City Attorney and an Ordinance entitled, “An Ordinance approving payments in lieu of taxes for tax exempt residences developed or caused to be developed by **NRHA**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Fraim.

No: None.

A Resolution entitled, “A Resolution appointing Angelica D. Light to the Norfolk Civil Service Commission for a certain term,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 25, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Winn and Frain.

No: None.

### **NEW BUSINESS**

1. Ellis James, 2021 Kenlake Place, stated that the fraternity at ODU was suspended for the disgraceful banners that were hung on a house outside of campus.
2. Michael Forde, Founder and current President of Virginia Caribbean American Culture Association, 1228 Norview Avenue, asked if the event could be extended to 3 days and to increase the small grant given to the organization each year.
3. Joe Cook, 1147 Surry Crescent, stated that city staff did not respond to his request regarding the impact of coal dust on residents and their property in a timely manner and that the response was generic. He asked again for a response from the City Manager on the policy that governs staff meeting with citizens to inform them of environmental issues.
4. Danny Lee Ginn, 3845 Dare Circle, commented on the council unanimously passing the Resolution adopting rules regulating the conduct of persons attending meetings of the city council.
5. The following people and the organization of United Front for Justice asked the council take remove the Confederate Monument on Main Street, which to them is a symbol of hate, slavery, racial and political and human oppression: Ronald Green, 5540 Barnhollow Road, Roy Perry-Bay, Angelia Harris, Curtis Lee, Jabrial Johnson, P.O. Box 1772, Hampton, Dr. Vivian Anderson, 967 Ingleside Road and Titanya Gaynor, 832 Charlotte Street.
6. Roy Perry-Bay, P.O. Box 1772 asked the council to consider replacing the confederate monument with a statute of Sergeant William Harvey Carney.